

Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

In the Supreme Court
OF THE
United States

OCTOBER TERM, 1978

No. 78-819

LAURENCE H. FROMMHAGEN, Petitioner,

vs.

THE UNITED STATES, Respondent.

SUPPLEMENT TO REPLY BRIEF

LAURENCE H. FROMMHAGEN

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FBI 'Bag Squads' Called Common

BY BOB SECTER
Times Staff Writer

CHICAGO—Full-time FBI "bag job" squads in six major cities, including Los Angeles, conducted thousands of illegal burglaries during the 1950's and 1960's, a former agent has charged.

The former agent, M. Wesley Swearingen, who says he took part in some of the break-ins, charged also in a sworn affidavit that FBI Associate Director James B. Adams, now the agency's No. 2 man, had known of the existence of a 24-man bag-job squad operating here in the 1950's.

Swearingen, a 25-year veteran who retired from the FBI in 1977, said the squads had operated in Los Angeles, Chicago, New York, San Francisco, Washington and Newark. The FBI gave commendations and cash bonuses for bag jobs well done, he said.

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L.A. TIMES 2/2/79

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Petitioner prepared and filed his Reply Brief hurriedly in the belief that the Court would consider this matter within a very short time. He has learned since that the petition will not be considered until the conference on February 16, 1979 and wishes to place before the Court the following additional thoughts.

Others who have read the Reply Brief have commented upon the anger and frustration reflected therein. FROMMHAGEN acknowledges that anger and wishes to explain to the Court the origins of his anger and disillusionment.

FROMMHAGEN, like many other middle-aged citizens, came to his forties with the image of an essentially fair, honest and honorable federal government. He was born and raised in Pennsylvania where he drank deeply in his youth of the ideals of our democratic society. His great-grandfather was a Union Army scout killed at the battle of Gettysburg (petitioner is an alumnus of Gettysburg College) and his only brother has never been found after being shot

from the skies over France by a German fighter pilot in 1943.

Petitioner, in common with the other citizens of this country, has suffered the traumas of the tragic mistakes in Vietnam, of the Watergate horror, and of the corruption in the Federal Bureau of Investigation, the Central Intelligence Agency and the General Services Administration. He has come to realize that his belief in the federal government was misplaced and that it is indeed true that "power corrupts and absolute power corrupts absolutely."

His own personal experiences with the Federal Bureau of Investigation have left him shaken. After years of denying the existence of certain records and evidence in its files that Bureau now claims it destroyed petitioner's file when it became obvious that it would have to yield that information. The admission of the destruction of the file is contained in a letter from the Department of Justice to FROMMHAGEN, a copy of which petitioner had lodged with the Clerk of this Court.

The citizens of this country look to the federal courts as the secure bastions of integrity and the defenders of the highest ideals, values and laws of this unique society. The exposure and correction of the corruption in the Nixon administration was due largely to an honest and effective judiciary.

What has caused petitioner's anger is not that he did not prevail (the merits of his case were never decided) but rather the frightening sophistry of the Court of Claims which has denied to FROMMHAGEN 'his day in court.'

The Solicitor General, in saying that no important point of law has been raised in this case, evasively overlooks the fact that the Court of

Claims has transformed the doctrine of laches into an absolute restriction on the statute of limitations by ruling that prejudice to a defendant from plaintiff's delay is 'inevitable.' Therefore, the Court of Claims appears to reason that FROMMHAGEN is not entitled to a trial on the issue of laches. The Court of Claims smokescreened that important ruling with needless castigation of plaintiff, by irrelevant rhetoric, and by an unbelievable distortion of the evidence and facts.

Petitioner, who has researched the matter intensively the past week, has been unable to find any other jurisdiction, federal or state, which holds that prejudice to the defendant is 'inevitable' as a matter of law. In all other jurisdictions laches is an issue of fact to be subjected to the processes of trial. Nor did the Court of Claims offer any authority for its ruling that prejudice to the defendant is 'inevitable.'

The Court of Claims is well aware there is no prejudice to defendant in this case. Otherwise it would have made a specific finding of prejudice. The facts, including the testimony of the dead witnesses, are intact within the administrative record. Only the Court of Claims insists upon a trial, but denies a trial on the issue of laches.

Petitioner is grieved that the Court of Claims, unrestrained by any appellate authority, has not treated him fairly and impartially. Grief often finds expression in anger.

Dated: January 30, 1979.

Respectfully submitted:

Pro Se